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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,764	12/03/2003	H. Grant Wang	03-0041 BOE-63(1)	7578

55132 7590 05/17/2007  
WILDMAN HARROLD ALLEN & DIXON LLP  
AND THE BOEING COMPANY  
225 W. WACKER DR.  
CHICAGO, IL 60606

EXAMINER
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HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p>Application No. 10/727,764</p>	<p>Applicant(s) WANG ET AL.</p>	
	<p>Examiner Stephen A. Holzen</p>	<p>Art Unit 3644</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

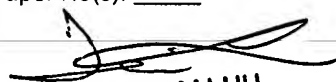
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,2,4-15,17-21,23,24,27,35 and 36.  
Claim(s) withdrawn from consideration: 6-15 and 18-20.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**TERI PHAM LUU**  
**SUPERVISORY**  
**PRIMARY EXAMINER**

***Response to Arguments***

1. Applicant's arguments filed 3/8/2007 have been fully considered but they are not persuasive.

Re – Para. 1-6 & 10 of applicant's response: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Re – Para. 6-9 of applicant's response: Applicant does not specifically identify which elements or limitations the examiner failed to consider. Applicant only argued that the specific type of software residing on the processor does provide structure recitation that differentiates the claimed apparatus from the prior art. The applicant does not identify which element of limitation applicant is referring too.

Re – Paragraph 11-12: Applicant has argued that the transitional phrase “consisting of” limits the claim to not include other elements. Applicant argues that “consisting of” is a closed-ended transitional phrase. The examiner appreciates applicant's arguments however asserts that the claims are not “closed ended” because of the phrases “at least one start tracker and at least one gyro device”. The phrase “at least one” is an open-ended phrase that does not limit to the claim to having ONLY a SINGLE Star Tracker.

Re – Para 13-15 of applicant's response: Applicant argues that Bezooijen teaches away from Hosick. The examiner disagrees. The examiner asserts that Bezooijen does not teach away

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from Hosick but merely teaches the benefits of an AST. It is applicant's own opinion that Bezooijen teaches away from using multiple sensor and not an explicit recitation in Bezooijen.

Applicant has generally argued throughout the response the neither reference teaches "software that determines the attitude of the spacecraft during both transfer orbit operations and on-station operations based solely on the input received from one of the plurality of sensors."

The examiner disagrees and asserts that Hosick discloses

Applicant has generally argued throughout the response that Hosick does not disclose software that operates during orbit transfer and on-station operations. The examiner disagrees and asserts that Hosick is concerned with (1) reaching orbit (which is the same as "orbit transfer") and (2) station keeping (which is the same as "on-station".)